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## NOTICE OF ALLOWANCE AND FEE(S) DUE

26884 7590 04/08/2005

PAUL W. MARTIN  
LAW DEPARTMENT, WHQ-4  
1700 S. PATTERSON BLVD.  
DAYTON, OH 45479-0001

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APR 11 2005

LAW DEPARTMENT

EXAMINER

WASYLCHAK, STEVEN R

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 04/08/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/245,592	02/08/1999	JOHN C. ADDY	8321	5059

TITLE OF INVENTION: METHOD AND APPARATUS FOR OPERATING A CONFIGURABLE REMOTE SUPERVISOR TERMINAL OF A SELF-SERVICE RETAIL CHECKOUT SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	07/08/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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## Determination of Patent Term Extension under 35 U.S.C. 154 (b) (application filed after June 7, 1995 but prior to May 29, 2000)

The Patent Term Extension is 0 day(s). Any patent to issue from the above-identified application will include an indication of the 0 day extension on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Extension is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

# Notice of Allowability

Application No.

09/245,592

Examiner

Steven R. Wasylchak

Applicant(s)

ADDY ET AL.

Art Unit

3624

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/6/02.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 12/6/99 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____.            |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>11/2</u> . | 6 <input type="checkbox"/> Examiner's Amendment/Comment                             |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material      | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|   | 9 <input type="checkbox"/> Other  |

**Detailed Action**

**Status of Claims**

1. Claims 1-17 are under prosecution in this application and upon careful review of the Appeal Brief filed on December 6, 2002, such claims are allowable over the prior art of record and Applicant's request for allowance is respectfully granted.

**Reasons for Allowance**

2. The present invention is a method and apparatus for operating a retail system that is flexible with respect to the number of and location of self-service checkout terminals which are monitored by a single remote terminal.
3. The prior art of record (Morrison, US 6,112,857) teaches a handheld scanner device for customer use in a checkout terminal system. The scanner is used to enter product codes for items of purchase. A light status device at the checkout counter is used to notify store personnel that intervention is required during the customer's transaction. A video security device is used to capture images of movement in the area of the checkout counter and is connected to the network system and a touch screen display also communicates with the network system and the customer service manager. However, the prior art of record does not teach the unique topology of the enablement of a store employee located at imaging cameras to communicate with customers at each of a plurality of self-service checkout terminals at different time frame; specifically, the prior art of record does not teach a method of operating a retail system which includes (i) a plurality of self-service checkout terminals, (ii) a first remote

Art Unit: 3624

supervisor terminal, and (iii) a second remote supervisor terminal, comprising the steps of:

(a) operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of each of said plurality of self service checkout terminals during a first period of time;

(b) maintaining said second remote supervisor terminal in an idle mode of operation such that said second remote supervisor terminal does not monitor operation of any of said plurality of self-service checkout terminals during said first period of time;

(c) operating said first remote supervisor terminal such that said first remote supervisor terminal monitors operation of a first group of said plurality of self-service checkout terminals during a second period of time; and

(d) operating said second remote supervisor terminal such that said second remote supervisor terminal monitors operation of a second group of said plurality of self-service checkout terminals during said second period of time,

wherein said first group of said plurality of self-service checkout terminals is different from said second group of said plurality of self-service checkout terminals,

wherein said first remote supervisor terminal is configured to enable a store employee located at said first remote supervisor terminal to communicate with customers

respectively located at each of said first group of said plurality of self-service checkout terminals via audio, video, and data connection during step (c), and

wherein said second remote supervisor terminal is configured to enable a store employee located at said second remote supervisor terminal to communicate with

Art Unit: 3624

customers respectively located at each of said second group of said plurality of self-service checkout terminals via audio, video, and data connection during step (d).

Thus claim 1 discloses a four parameter, bi-directional, multiplexing of parameters consisting of supervisors, groups, time, mode of action/idleness. The second independent claim, claim seven, does not include idle time or employees but continues with the novel mapping the remaining parameters. The last independent claim, claim 13, discloses idle time and employee interaction within the multiplexing communication topology. These features are allowable in the context of the supermarket checkout process.

4. The nearest foreign art, Ludwig (EU 0 689 151 A2) discloses a self-checkout supermarket system with a communication system of multiple terminals between checkout counters to share inventory control data, but does not teach applicant's store employee accessing multiple checkout terminals in a novel sequential configuration pattern over time frames including idle time or the additional use of supervisory terminal displays.

5. The nearest NPL, "New Products", teaches multiple self check out systems manned by a single cashier and touch-screen displays for customer use, but does not disclose applicant's the unique cross configuration of video communication between a store employee and customers at self-service checkout terminals at different times depending upon the number of customers at each checkout terminal.

Art Unit: 3624


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled as "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven R. Wasylchak whose telephone number is (703) 308-2848. The examiner can normally be reached on Monday-Thursday from 7:00 a.m. to 6:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin, can be reached at (703) 308-1065. The fax number for Art Unit 3624 is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Steven Wasylchak

  
9/24/04

VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600